

Court of Appeals, State of Michigan

ORDER

People of MI v Gregory Phillip Keith

Docket No. 252187

LC No. 03-190080-FH

Janet T. Neff
Presiding Judge

Michael R. Smolenski

Michael J. Talbot
Judges

On the Court's own motion, the July 19, 2005 opinion is hereby VACATED. The opinion contained the following clerical error: the opinion referenced alleged instances of prosecutorial misconduct. Prosecutorial misconduct was not an issue in this case. A new opinion is attached which corrects the error located in the second to the last full paragraph of the opinion. That paragraph now reads as follows:

Defendant next argues that the cumulative errors warrant reversal. We reject defendant's assertion that he was denied a fair trial by the cumulative effect of the alleged errors. "Only actual errors are aggregated to determine their cumulative effect." *People v Rice (On Remand)*, 235 Mich App 429, 448; 597 NW2d 843 (1999) (citation omitted). Because any actual errors were minor and had no prejudicial effect, the aggregation of those errors will not warrant reversal.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JUL 28 2005
Date

Sandra Schultz Mengel
Chief Clerk